

SE



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/221,952	12/28/1998	LISA HOLZHAUSER	PHA-23.403	3880
7590	01/26/2005		EXAMINER	
ALGY TAMOSHUNAS U S PHILIPS CORPORATION 580 WHITE PLAINS ROAD TARRYTOWN, NY 10591			ENGLAND, DAVID E	
ART UNIT	PAPER NUMBER			2143

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/221,952	HOLZHAUSER ET AL.
	Examiner	Art Unit
	David E. England	2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 August 2004.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 – 7, 10, 12 and 14 – 21 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1 – 7, 10, 12 and 14 – 21 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 – 7, 10, 12 and 14 – 21 are presented for examination

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The limitation of “indirect distribution” is not specifically disclosed in the specification as to what determines or makes the distribution “indirect”.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "indirect distribution" in claim 1 is a relative term which renders the claim indefinite. The term "indirect" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

6. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
7. Claim 4 recites the limitation "the annotation". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1 – 7, 10, 12 and 14 – 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Clark et al. U.S. Patent No. 6317797 (hereinafter Clark).

10. As per claim 1, Clark teaches an information apparatus for general information a resource management, comprising:

11. a plurality of acquisition resources, the plurality of acquisition resources configured to acquire information and directives, the information comprising multiple data types, (e.g. col. 2, lines 50 – 63);

12. a plurality of distribution resources internal to the information apparatus, coupled to the acquisition resources so as to receive and distribute all or part of the acquired information, (e.g. col. 7, lines 10 – 45, “*jack*”);

13. association resources, coupled to the acquisition and distribution resources, the association resources configured to provide an association annotation to the distribution resources, whereby the distribution resources distribute responsive to the association annotation, (e.g. col. 2, line 11 – col. 3, line 20 & col. 13, line 14 – col. 14, line 16, “*synchronization*”); and

14. wherein the association annotation is based, at least in part, on an acquired directive, the acquired directive having a first complexity, and the association annotation having a second complexity which is greater than the first complexity, (e.g. col. 2, lines 11 – 49, “*synchronization of two computers, one being more complex than the other*”); and

15. wherein the distribution resources comprise staging facilities supporting indirect distribution of the acquired information, prior to distribution of the acquired information, storing the association annotation, a status data, and a pointer to the acquired information stored at the information apparatus, (e.g. col. 3, lines 11 – 54 & col. 13, line 14 – col. 14, line 16, “*the status of which files are synchronized with the two devices*”),

Art Unit: 2143

16. wherein the acquisition resources comprise a plurality of transducing facilities and selected ones of the plurality of transducing facilities are grouped together for activation responsive to actuation of one acquisition control facility, (e.g. col. 6, lines 18 – 29, “... *hot spot or specific area to touch pad on the LCD panel...*” or col. 7, lines 46 – 65, “*This small keypad could be used in combination with the speaker driver logic to allow voice commands to be utilized...*”).

17. Referencing claim 2, Clark teaches a processing resources coupled to one or more of the acquisition, association and distribution resources, (e.g. col. 1, line 35 – col. 2, line 10, “*handwriting analysis*”).

18. Referencing claim 3, Clark teaches the processing resources comprise at least one of conditioning facilities, analog-to-digital conversion facilities, buffering or other storage facilities, recognition facilities, encryption facilities, compression facilities, coding facilities, and composing facilities, (e.g. col. 2, line 11 – col. 3, line 20).

19. Referencing claim 4, Clark teaches the distribution resources selectively distribute information responsive to an association annotation, the annotation being based on the acquired information as processed by the processing resources, (e.g. col. 3, lines 11 – 54 & col. 13, line 14 – col. 14, line 16, “*the status of which files are synchronized with the two devices*”).

20. Referencing claim 5, Clark teaches an administration resources coupled to one or more or the acquisition, association and distribution resources, the administration resources comprising at least one of timer facilities, prompting facilities, and configuration facilities, (e.g. col. 3, lines 11 – 54 & col. 13, line 14 – col. 14, line 16).

21. Referencing claim 6, Clark teaches the distribution resources selectively distribute information responsive to the association annotation, the association annotation being based on at least one of the information acquired by the acquisition resources or directives provided by the configuration facilities, (e.g. col. 3, lines 11 – 54 & col. 13, line 14 – col. 14, line 16).

22. Referencing claim 7, Clark teaches the configuration facilities providing support for a shared relevance space, the shared relevance space supporting coordination between the acquisition and distribution resources, (e.g. col. 2, line 11 – col. 3, line 20 & col. 13, line 14 – col. 14, line 16).

23. Referencing claim 10, Clark teaches the configuration facilities support tracking of the user's use of the apparatus, such tracking being employable for updating of the configuration facilities, (e.g. col. 3, lines 11 – 54 & col. 13, line 14 – col. 14, line 16, "*the status of which files are synchronized with the two devices*").

24. Referencing claim 12 Clark teaches the acquisition resources comprise (a) at least one of transducing facilities and coupling facilities, (e.g. col. 2, line 11 – col. 3, line 20 & col. 13, line

14 – col. 14, line 16) and (b) acquisition control facilities for activating selected said transducing and coupling facilities, (e.g. col. 2, line 11 – col. 3, line 20 & col. 13, line 14 – col. 14, line 16).

25. Referencing claim 14 Clark teaches one or more exploiting resources to which the distribution resources distribute all or part of at least one of the information and the association annotations, the exploiting resources comprising at least one of internal exploiting resources and external exploiting resources, (e.g. col. 2, line 11 – col. 3, line 20 & col. 13, line 14 – col. 14, line 16).

26. Referencing claim 15, Clark teaches the association resources comprise at least one of directive management facilities, annotating facilities and association control facilities, (e.g. col. 2, line 11 – col. 3, line 20 & col. 13, line 14 – col. 14, line 16).

27. Referencing claim 16, Clark teaches (a) the directive management facilities support receipt and processing of directives acquired as information by the acquisition resources, (e.g. col. 12, lines 16 – 47, “*time*”), (b) the annotating facilities formulate annotations based on at least one of the received directives and of configurations, such configuration being predetermined, user-adjustable and combinations of same, (e.g. col. 12, lines 16 – 47, “*time*” & col. 13, line 14 – col. 14, line 16, “*synchronization*”), and (c) the association control facilities provide for activating the association resources, (e.g. col. 12, lines 16 – 47, “*time*” & col. 13, line 14 – col. 14, line 16, “*synchronization*”).

28. Referencing claim 17, Clark teaches a control coordinating resources coupled to the acquisition resources and to the association resources, (e.g. col. 12, lines 16 – 47 & col. 13, line 14 – col. 14, line 16).

29. Referencing claim 18, Clark teaches the control coordinating resources coordinate activations of the acquisition and association resources, (e.g. col. 12, lines 16 – 47 & col. 13, line 14 – col. 14, line 16).

30. Referencing claim 19, Clark teaches the control coordinating resources provide one or more of (a) accommodation of the application of directives other than from real-time, transducer-based acquisition, (b) operation independently of the sequence of acquisition of associated information and directives and (c) handling of use, both of common and of differing transducing facilities, (e.g. col. 2, line 11 – col. 3, line 20 & col. 13, line 14 – col. 14, line 16, “*automatic synchronization*”).

31. Referencing claim 20, Clark teaches the control coordinating resources is implemented to recognize the completion of a primary information acquisition, so as to timely and automatically activate a secondary acquisition, (e.g. col. 2, line 11 – col. 3, line 20 & col. 13, line 14 – col. 14, line 16, “*automatic synchronization*”).

32. As per claim 21, Clark teaches a user-actuable switching mechanism, coupled to the acquisition resources, for switching the acquisition resources between acquiring information and

acquiring directives, (e.g. col. 2, line 11 – col. 3, line 20 & col. 13, line 14 – col. 14, line 16, “*synchronization*”).

Response to Arguments

33. Applicant's arguments filed 08/27/2004 have been fully considered but they are not persuasive.

34. In the Remarks, the Applicant argues in substance that the 112 first and second paragraph rejection on claim 1 in regards to indirect distribution is taught on page 17 lines 13 – 28.

35. As to part 1, Examiner sees a delay in effecting distribution. In that a PDA acquires information through handwriting recognition, and until a synchronization/link among the PDA and host 104 is established the entry is stored in memory. Then when the PDA is connected to the host, the data that was stored in memory is transferred to the host. This would leave one of ordinary skill in the art to believe that the act of storing data in memory then distributing the data when connection is established to a host, indirectly distributing information. Applicant is asked to accept or deny this assumption. If the Applicant accepts this interpretation, the 112 rejection regarding this matter will be withdrawn.

36. In the Remarks, the Applicant argues in substance that claim 4 has been amended to overcome the insufficient antecedent basis for this limitation of “the annotation”.

37. As to part 2, Claim 4 shows no sign of an amendment. Rejection still stands.

38. In the Remarks, the Applicant argues in substance that the Application was amended and the reference of Clark does not disclose nor is there a suggestion or motivation for the invention defined by the amended independent claim 1.

39. As to part 3, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

40. Applicant's arguments, see pages 7 – 12, filed 08/27/2004, with respect to Drawing Objections, Claim Objection and the other mentioned 112, First and Second Rejections have been fully considered and are persuasive. The Drawing Objections, Claim Objection and the other mentioned 112, First and Second Rejections of Claims 1, 2, 5 – 9, 14, 19 and 20 have been withdrawn.

Conclusion

41. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 571-272-3912. The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David E. England
Examiner
Art Unit 2143

De

DE

William C. Vaughn
Primary Examiner
Art Unit 2143
William C. Vaughn